

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:08-CR-253-1-BO

JORGE GONZALEZ,)
)
Petitioner,)
)
v.) ORDER
)
UNITED STATES OF AMERICA,)
)
Respondent.)

This matter is before the Court on Petitioner's Motion for Transcripts. Petitioner is requesting a number of transcripts and a waiver of transcript fees. However, Petitioner has failed to demonstrate a particularized need for the transcripts relevant to his post conviction motion under 28 U.S.C. § 2255 which would justify waiving the costs. *See Jones v. Superintendent, Virginia State Farm*, 460 F.2d 150, 152-53 (4th Cir.1972), *cert. denied*, 410 U.S. 944 (1973). 28 U.S.C. § 753(f) requires that the trial judge or a circuit judge certify that "the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal." *Id.* It is well settled in this circuit that "an indigent is not entitled to a transcript at government expense without a showing of the need, merely to comb the record in the hope of discovering some flaw." *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963). Defendant has only stated he wants transcripts for his bail, detention, arraignment, plea, and sentencing to support claims for ineffective assistance of counsel and challenge the drug quantity, but he does not explain how all these transcripts will support his claims or what specifically he expects to find in the transcripts to show that his request is not merely a fishing expedition.

Because Defendant has failed to provide an adequate basis to support his request, his Motion for Transcripts is DENIED. The Clerk of Court is DIRECTED to respond to Defendant's letter received October 28, 2009 with information on how Defendant can purchase transcripts, including a breakdown for the estimated cost of each transcript that he is requesting.

SO ORDERED.

This 30 day of May, 2010


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE